

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

UNITED STATES OF AMERICA,
PLAINTIFF,

V.

WALTER OLENICK AND
M. RAE NADLER-OLENICK,
DEFENDANTS.

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§ CIVIL NO. A-18-CV-00675-LY
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**ORDER ON REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Before the court is the above styled and numbered action. By Orders rendered October 15 and 31, 2018, the court referred Defendants *pro se* Walter Olenick and M. Rae Nadler-Olenick's Respondents' Rule 12 Motions filed September 13, 2018 (Clerk's Document No. 8), Plaintiff United States's Motion to Dismiss Respondents' Original Counterclaim filed October 23, 2018 (Clerk's Document No. 12), and any responses and replies that may be filed to the United States Magistrate Judge for report and recommendation (Clerk's Document Nos. 11 & 15). *See* 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72; Loc. R. W. D. Tex. Appx. C, Rule 1(d). On April 2, 2019, the magistrate judge rendered a Report and Recommendation of the United States Magistrate Judge recommending that this court: (1) deny the Olenicks' Rule 12 Motions; (2) order the Olenicks to answer the Complaint within 20 days of the rendition of the order addressing the report and recommendation; (3) grant the United States's Motion to Dismiss Respondents' Original Counterclaim; and (4) dismiss with prejudice the Olenicks' original counterclaim (Clerk's Document No. 19). The parties received the report and recommendation on or before April 9, 2019 (Clerk's Document No. 21).

A party may serve and file specific written objections to the proposed findings and recommendations of a magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing a *de novo* review by the district court. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A party's failure to timely file written objections to the proposed findings, conclusions, and recommendations in a report and recommendation bars that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (en banc). Objections, if any, were due to be filed April 23, 2019. To date no objections have been filed.

The court, having reviewed the entire record and finding no plain error,

IT IS ORDERED that for substantially the reasons stated therein, the Report and Recommendation of the United States Magistrate Judge signed April 2, 2019 (Clerk's Document No. 19) is hereby **ACCEPTED AND ADOPTED**.

IT IS FURTHER ORDERED that the Olenicks' Rule 12 Motions filed September 13, 2018 (Clerk's Document No. 8) is **DENIED**.

IT IS FURTHER ORDERED that United States's Motion to Dismiss Respondents' Original Counterclaim filed October 23, 2018 (Clerk's Document No. 12) is **GRANTED**.

IT IS FURTHER ORDERED that the Olenicks' Original Counterclaim (Clerk's Document No. 10) is **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that the Olenicks file an Answer to the United States's Complaint on or before Friday, June 14, 2019.

SIGNED this 14 day of May, 2019.


LEE YEAKEL
UNITED STATES DISTRICT JUDGE